

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

GARY D. BRADY,

Plaintiff,

v.

CIVIL ACTION NO. 2:07-CV-17

MICHAEL ASTRUE,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**REPORT AND RECOMMENDATION RECOMMENDING APPLICATION FOR
LEAVE TO PROCEED IN FORMA PAUPERIS BE DENIED**

On February 23, 2007, Gary D. Brady, [“Claimant”], filed a complaint for review of Defendant’s denial of his application for Social Security benefits pursuant to 42 U.S.C. § 405(g) and 42 U.S.C. § 1383(c)(3), and an Application for Leave to Proceed *in forma pauperis*.

Claimant’s application reveals that he is not employed. He has not received rent payments, interest, dividends, gifts, or inheritances in the past year. However, Claimant does receive approximately \$1,128 in Social Security benefits each month. Furthermore, he has no dependants. Given the Claimant’s income from Social Security and the fact that he only has himself to support, the Undersigned concludes Claimant can afford to pay the Court’s filing fee.

Accordingly, the Undersigned RECOMMENDS that Claimant’s Application for Leave to Proceed *in forma pauperis* be DENIED.

Any party who appears *pro se* and any counsel of record, as applicable, may, within ten (10) days after being served with a copy of this Report and Recommendation, file with the Clerk of the Court written objections identifying the portions of the Report and Recommendation to

which objection is made, and the basis for such objection. A copy of such objections should be submitted to the District Court Judge of Record. Failure to timely file objections to the Report and Recommendation set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Report and Recommendation.

DATED: March 14, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE